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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendments of Parts 1, 21 and 74 to Enable  
Multipoint Distribution Service  
and Instructional Television Fixed  
Service Licensees To Engage in Fixed  
Two-Way Transmissions

) MM Docket No. 97-217  
)  
) File No. RM-9060  
)  
)

COMMENTS OF GULF COAST MDS SERVICE COMPANY

Gulf Coast MDS Service Company ("Gulf Coast"), by its attorneys, respectfully submits the following comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), released on October 10, 1997, in the captioned proceeding.

On May 21, 1996, Gulf Coast filed a petition for rule making to amend Parts 21 and 74 of the Commission's rules with respect to licensing in the Multipoint Distribution Service ("MDS") and the Instructional Television Fixed Service ("ITFS") for the Gulf of Mexico. In its petition, Gulf Coast proposed filing procedures, service rules, and a license allocation method for a wide-area system on MDS frequencies in the Gulf. Gulf Coast's petition for rulemaking for MDS licensing in the Gulf is still pending. Given Gulf Coast's petition, as well as its efforts in developing a wireless system in the Gulf operating on MDS/ITFS frequencies,<sup>1</sup> it has an interest in the potential impact the captioned proceeding may have on Gulf-based operations.

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<sup>1</sup> Gulf Coast holds a developmental authorization for that purpose.

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Gulf Coast supports the proposed revised definition of MDS that would allow licensees to provide either one-way or two-way services. Gulf Coast also agrees with the Commission's proposed definition of response stations that would allow licensees to utilize all or part of any 6 MHz MDS or ITFS channel as a response channel.<sup>2</sup> Generally, Gulf Coast supports the concept that licensees should be allowed to utilize the MDS/ITFS spectrum with as much flexibility as possible for one-way and two-way applications as technology permits and market requirements dictate. For example, consistent with interference protection rules, any type of modulation technique should be allowed that enhances the use of the spectrum or permits the licensee to offer different types of services.

Flexibility in implementing MDS/ITFS technical standards may be especially needed for a Gulf-based system. The FCC process for adopting rules to govern such a system has not yet reached the stage of a notice of proposed rulemaking.<sup>3</sup> A Gulf-based MDS system likely will offer a different type of service than offered by land-based systems. Accordingly, when adopting new MDS/ITFS rules in

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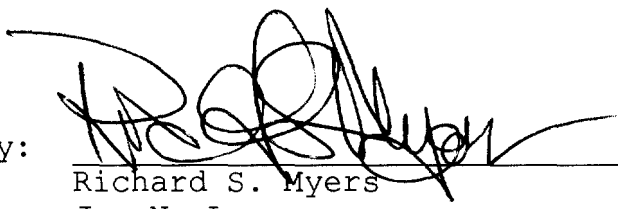
<sup>2</sup> Gulf Coast agrees that the Commission should reject commenter Caritas Telecommunications, Inc.'s more restrictive proposal to limit the availability of response channels to MDS channels 1, 2 and 2A. NPRM at para. 13.

<sup>3</sup> Gulf Coast is submitting in the near future a new proposal for MDS licensing in the Gulf, which may include a limited re-allocation of ITFS frequencies for Gulf licensing in a manner that protects existing and future land-based ITFS licensees.

the captioned proceeding, Gulf Coast requests that the Commission indicate that it will retain flexibility in addressing operational issues in the MDS rulemaking proceeding for the Gulf and, if appropriate, adopt different technical standards to govern a Gulf licensee's operations. In addition, Gulf Coast requests that the Commission acknowledge that, in any event, if the operations of a future Gulf licensee do not comply with existing rules, the Commission will entertain declaratory ruling and waiver requests from such a licensee where the requester submits the appropriate supporting data demonstrating non-interference, an approach the Commission stated that it will continue to follow for land-based licensees.<sup>4</sup>

Respectfully submitted,  
GULF COAST MDS SERVICE COMPANY

By:



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<sup>4</sup> See NPRM at paras. 28-31.


CERTIFICATE OF SERVICE

I, Katrina Blackwell, an employee in Myers Keller Communications Law Group, do hereby certify that on this 9th day of December, 1997, a copy of the foregoing "COMMENTS OF GULF COAST MDS SERVICE COMPANY" was delivered via first class mail to:

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